

## REMARKS

This is in response to the Office Action mailed on August 28, 2002. Applicant notes that a petition for a one-month extension of time is attached hereto along with a check to cover the fee for such an extension. If a further fee is due, authorization is hereby given to charge any fees in connection with the subject patent application to Deposit Account No. 23-0920. Further, if the attached petition is deficient in any way Applicant requests that this paper be considered as a substitute petition and that any required fee be charged to the above-noted Deposit Account. Applicant further encloses an Associate Power of Attorney, authorizing Daniel M. Gurfinkel to transact all business in the Patent and Trademark Office connected with this application and specifically with respect to this response. The commissioner is respectfully requested to continue mailing all notices to Mr. Richard J. Gurak at the below noted address.

The Examiner has objected to the abstract of disclosure for its use of the word "improved", Applicant has amended the application by deleting the abstract of the disclosure and substituting, therefore, a new Abstract of the Disclosure. Applicant has removed the word "improved" and has put the abstract of the disclosure in better form. The Examiner has also noted certain informalities in the disclosure. Applicant has amended the Specification, in the manner suggested by the Examiner, to remove the informalities. The Examiner has objected to the drawings, and proposed drawing corrections have been made. Upon approval of the corrections formal drawings will be made and forwarded to the Patent Office. It is noted that the objection to the non-inclusion of the reference numeral "50" has been corrected by removing the reference from the specification (paragraph 0021). It is submitted that the item is not shown in FIG. 1, so reference to it has been removed.

The Examiner has objected to claims 1 and 15 because of certain informalities.

Applicant has amended claims 1 and 15, in the manner suggested by the Examiner, to obviate these informalities.

The Examiner has rejected claims 2-4, 9-12 and 15-18 under 35 U.S.C. § 112, as being indefinite. Applicant has amended the claim thereby obviating the rejection and making the claims definite. Reconsideration, continued examination and allowance of the application as amended are respectfully requested.

Claims 1, 4, 5, 8, 9 and 12 have been rejected, under 35 U.S.C. §102(b), as being anticipated by the patent to Rumble (3,938,665). The storage and display tower of Rumble is designed to prohibit the easy and continuous removal of articles, which, in Rumble, are cassette tapes in a point of purchase display case. The disclosure of Rumble teaches that articles displayed therein are to be locked up and are generally inaccessible without following a number of steps including, unlocking the tower, pulling back end closure elements and then withdrawing the desired article. Further, the user of the Rumble tower must then replace the end closure elements and lock the tower prior to proceeding to using, or selling, the item retrieved therefrom. Such steps are necessary in Rumble as the device will not rotate, without causing damage to surrounding areas, unless the end closures are returned to their first positions and locked. In sharp contrast, the tower of the current application, as now claimed, has no end closure elements, is not lockable and is clearly designed to permit a user to store and view articles while having continuous, easy and unobstructed access to the articles.

Claims 1, 2, 4-10, 12-15, 17 and 18 have been rejected, under 35 U.S.C. § 102(b) as being anticipated by Guignard et al. (2,738,075). Guignard et al. teach a display tower having detachable components of the type that loosely hang from the towering structure. Guignard et al.

teach that the rack members (25) are non-rigid ladder-like structures (col. 2, lines 38-42). A device made in accordance with the teachings of Guignard et al. is ideally suited for carrying greeting cards, postcards and magazines which do not require a rigid support structure. In sharp contrast, the cells of the tower of the present invention, as presently claimed, are rigid to provide the proper support for all types of articles to be displayed therein. Heavy items, such as a plurality of compact discs, need such rigid support as disclosed and claimed in the present application and not disclosed, claimed or anticipated by Guignard et al. While claim 1 of the present application does not specifically claim a use associated with compact discs, the rigid structure claimed gives substance to any articles, light or heavy, which may be desired to be held in the device of the present invention. Further, the device of the present invention specifically claims cells whereas the device in Guignard et al. shows "baskets" rather than cells.

Claims 2, 3, 10 and 11 have been rejected, under 25 U.S.C. § 103(a) as being obvious over the combination of Rumble ('873) in view of Gioscia (5,568,873). Since Gioscia does not provide a tower with easy and continuous access, which is missing in Rumble, its combination with Rumble cannot make obvious the claims having such limitations therein. Accordingly, Applicant believes claims 2, 3, 10 and 11 are not obvious. Further, because of the designed and built in added difficulties in removing objects from the device of Rumble, no single reference, that merely adds the ability to rotate about an axis, would make the present invention obvious in view of Rumble.

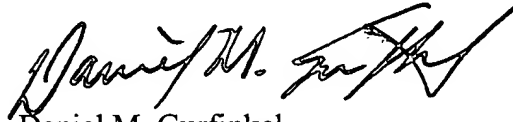
Applicant hereby respectfully requests reconsideration and reexamination. A sincere effort has been made to overcome the Examiner's rejections and to place the application in allowable condition. Applicant invites the Examiner to call applicant's attorney to discuss any

aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

With the above amendments and remarks, Applicant believes this application to be ready for allowance and earnestly solicits an early Notice of Allowance

Respectfully submitted,

WELSH & KATZ, LTD.

A handwritten signature in black ink, appearing to read "Daniel M. Gurfinkel", with a stylized flourish at the end.

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## MARKED UP CLAIMS TO SHOW CHANGES

--1 (Amended)      A tower for the storage, [and] display and continuous accessibility of articles, said tower comprising:

    a rigid cell structure having a top, a bottom and a plurality of horizontal and vertical members positioned between the top and the bottom to form a plurality of cells;

    each of the cells being sized to receive, hold and display at least one article, the cells disposed for the easy placement and removal of the articles;

    a base; and

    a shaft fixed to the base and rotatably connected to the cell structure to provide for the cell structure to rotate with respect to the base. --

-- 2 (Amended)      The tower of claim 1 further comprising a connector assembly mounted to the base and rotatably connected to the cell structure [rotatably mounted to and positioned between the base and the cell structure bottom].--

--4 (Amended)      The tower of claim 1 wherein the plurality of cells are shaped to receive, store and display a compact disc [the article is a compact disk].--

--9 (Amended)      A [The] tower for the storage, [and] display and continuous accessibility of articles, said tower comprising:

    a storage structure having a top and a bottom;

    a plurality of rigid cells positioned between the top and the bottom;

    each cell having a front opening, a rear opening and a side opening whereby at least one article can be easily inserted into a cell through the side opening and can subsequently be easily removed from [provide for said article to be removably positioned in] the cell;

    a base; and

    a shaft fixed to the base and rotatably connected to the top and bottom to provide for the top, bottom and plurality of cells to rotate with respect to the base.--

--10 (Amended) The tower of claim 9 further comprising a connector assembly [rotatably] mounted to [and positioned between] the base and [the bottom] rotatably connected to the cell structure.--

--12 (Amended) The tower of claim 9 wherein the [article is a compact disk] plurality of cells are shaped to receive, store and display a compact disc.--

--15 (Amended) A tower for the storage, [and] display and continuous accessibility of articles, said tower comprising:

a rigid cell structure having a top, bottom and a plurality of horizontal and vertical members positioned between the top and the bottom to form a plurality of cells;

each of the cells being sized to receive, hold and display at least one article, the cells disposed to the easy placement and removal of articles;

a base; and

a connector assembly [rotatably] mounted to [and positioned between] the base and rotatably connected to the cell structure so that the cell structure may [to provide for the cell structure to] rotate while the base is stationary.--

### MARKED UP PARAGRAPHS TO SHOW CHANGES

--[0014] These and other objects are achieved by an article storage display tower of the present invention. In one form of the invention, an article storage display tower is provided which provides an article storage display for audio or visual storage media that allows the front and back surfaces of the articles to be displayed by the user in a visually selected manner. Further, the storage display tower can be rotated about a stationary base to allow for easy selection and viewing of the stored articles. Also, the articles are easily placed in, removed from and arranged in the storage display. The storage display along with the stored articles[d] can be positioned in a room as a piece of artwork.--

--[0015] These and other objects are achieved by an article storage display tower of the present invention. In one form of the invention, an article storage display tower is provided that has a top and a bottom with a cell structure having a plurality of cells positioned between the top and bottom. Each cell being capable of storing and displaying a plurality of articles, such as compact disks. The cell structure is rotatably connected to a base which is provided for the cell structure to rotate about an axis perpendicular to the base.--

--[0021] FIG. 1 is a perspective view of one embodiment of the article storage display tower 10 constructed in accordance with the present invention. In FIG. 1, the article storage display tower 10 comprises a storage display structure 16, a shaft 36, a knob 37, a base 46 and connector assembly (not shown) [50].--

--[0023] In one embodiment, the display structure 16 may be formed by providing and joining, substantially as shown in FIGS. 1, 2 and 5, outer horizontal members 18, inner horizontal members 19, outer vertical members 20, inner vertical member[s] 21 thereby forming cells 22. Cells 22 may be sized to allow the particular audio and/or video media to be removably stored within the cells 22. In this regard, cells 22 may be any dimensions required for particular

media. Each cell 22 may be sized to hold one or more audio and/or video storage media. In one embodiment, as shown in FIG. 3 for example, each cell 22 may be sized to hold six compact disks. Members 18, 19, 20 and 21 may be joined to each respective member by, for example, nails, screws, dowels and/or glue or any other type of fastening means that will provide for proper operation of [article] storage display tower 10. The storage display structure 16 may be constructed of wood, metal, and/or plastic or any other type of material(s) that will provide for proper operation of the article storage display 10. --

--[0024] In other embodiments, top [22] 28 and/or bottom 32 may be attached to structure 16. Top 28 and/or bottom 32 may be joined to structure 16 by, for example, nails, screws, dowels and/or glue or any other type of fastening means that will provide for proper operation of [article] storage display tower 10. Top 28 and/or bottom 32 may be constructed of wood, metal, and/or plastic or any other type of material(s) that will provide for proper operation of article storage display 10.--

--[0025] Shaft 36 may be located along the central axis of display structure 16 whereby shaft end 36A passes through top 28 and shaft end 36B passes through bottom 32 substantially as shown in FIGS. 2, 4 and 5. Shaft 36 may be positioned within storage display 16 so as to allow display 16 to freely rotate about shaft 36 in a clockwise and/or counter clockwise direction with respect to shaft 36. Shaft end 36B may contain threads 36C, as shown in FIG. 4 and may extend through base 46. Fastener 55 which may comprise a nut 60 and a washer 61, for example, may maintain shaft 36 in a fixed position with respect to base 46 while allowing storage display structure 16 to rotate about shaft 36. The base 46 may be constructed of wood, metal, and/or plastic or any other type of material(s) that will provide for proper operation of the [article] storage display tower 10. The shaft 36 may be constructed of wood, metal, and/or plastic or any other type of material(s) that will provide for proper operation of the [article] storage display tower 10. In yet other embodiments, [article] storage display tower 10 may be constructed without shaft 36 and connector assembly 50 so as to provide a display 10 that does not swivel about base [40] 46.--



--[0026] Knob 37 may be fixed to top [18] 28 so that when knob 37 is rotated by a user, the storage display structure 16 is rotated about shaft 36. In other embodiments, knob 37 may be fixed to shaft 36 whereby when the storage display structure 16 is rotated about shaft [37] 36, the knob 37 does not rotate.--

--[0029] As shown in FIG. 1, in one embodiment, storage display structure 16 may be comprised of seven rows 24 of cells [24] 22. In yet other embodiments, storage display structure 16 may be comprised of one or more rows of cells 22.

## **MARKED UP ABSTRACT OF THE DISCLOSURE TO SHOW CHANGES**

--An [improved] article storage display tower for storage, display and continuous easy access to the articles is provided. The display tower [that in one form] has a top and a bottom with a cell structure having a plurality of cells positioned between the top and the bottom. Each of the cells of the tower can store and display [cell being capable of storing and displaying] a plurality of articles, such as compact discs [disks], while allowing easy and continuous access to the articles. The cell structure is rotatably connected to a base [which provides for] that permits the cell structure to rotate about an axis perpendicular to the base, so that access to all cells is facilitated.--